

Panaji, 19th April, 2018 (Chaitra 29, 1940)

SERIES II No. 3

# OFFICIAL GAZETTE



# GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are two Extraordinary issues to the Official Gazette, Series II No. 2 dated 12-04-2018 as follows:—

- (1) Extraordinary dated 17-04-2018 from pages 43 to 44 regarding Orders from Department of Elections.
- (2) Extraordinary (No. 2) dated 18-04-2018 from pages 45 to 46 regarding Order from Department of Elections.

## GOVERNMENT OF GOA

### Department of Animal Husbandry & Veterinary Services

#### Order

No. 2/13/95-AH/PF/2018-19/157

Upon approval of the Government following Deputy Directors are given designation alongwith the Budget Head to draw their salary from date of their joining as follows:

Sr. No.	Name & designation	Budget Head	Date of joining
1.	Dr. Rajaram N. Naik, Dy. Director (Farms)	2404—Dairy Development; 00—; 102—Dairy Development Projects; 08—Special Livestock Breeding Programme (Plan); 01—Salaries	19-03-2018 (b.n.).
2.	Dr. Rajendra H. Prabhu Gaonkar, Dy. Director (Epidemiology)	2403—Animal Husbandry; 00—; 101—Veterinary Service and Animal Health; 01—Rinderpest Eradication (Plan) (A); 01—Salaries	20-03-2018 (b.n.).
3.	Dr. Gustavo J. F. do R. Pinto, Dy. Director Gynaecology	2403—Animal Husbandry; 00—; 001—Direction Adminis- tration; 01—Direction (Non-Plan); 01—Salaries	19-03-2018 (a.n.).
4.	Dr. Greta Costa, Dy. Director (SLBP)	2404—Dairy Development; 00—; 102—Dairy Development Projects; 08—Special Livestock Breeding Programme (Plan); 01—Salaries	19-03-2018 (b.n.).

Dr. D. M. Naik Parrikar, who is currently Dy. Director (Plan), be transferred to post of Deputy Director (Farms) w.e.f. 01-04-2018 and consequently Dr. Rajaram N. Naik, be posted as Dy. Director (Plan).

By order and in the name of the Governor of Goa.

Dr. Santosh V. Desai, Director & ex officio Joint Secretary (AH).

Panaji, 10th April, 2018.

#### Order

No. 10/88/14-AH/2018-19/163

Sanction of the Government is hereby accorded for accepting the notice of resignation, given by Dr. Rameela Maria P. Menezes, Veterinary Officer, Veterinary Dispensary, Shiroda vide her letter dated 31-01-2018.

Dr. Rameela Maria P. Menezes, Veterinary Officer shall stand relieved from Government service with immediate effect.

By order and in the name of the Governor of Goa.

Dr. Santosh V. Desai, Director & ex officio Joint Secretary (AH).

Panaji, 10th April, 2018.

### Order

No. 2/2/79-AH (Part)/2018-19/209

Government is pleased to order the transfer of the following Officers in the Directorate of Animal Husbandry & Veterinary Services, with immediate effect and in public interest to the place of posting as indicated against their names:

Sr. No.	Name with designation	Present place of posting	Proposed place of posting
1.	Dr. Marwin Lopes, Assistant Director	Veterinary Hospital, Mapusa	Veterinary Hospital, Tonca, with additional charge of Veterinary Hospital, Mapusa & D.I.U., Tonca thereby relieving Dr. Gustavo Pinto of additional charge.
2.	Dr. Satyavan B. Naik, Veterinary Officer	Veterinary Dispensary, Quepem	Veterinary Hospital, Sonsodo thereby relieving Dr. R. H. Prabhugaonkar of additional charge.

Dr. Manik Patil, Veterinary Officer, Mobile Veterinary Clinic, Quepem shall hold charge of Veterinary Dispensary, Quepem in addition to her own duties.

The Officers shall be entitled for transfer TA/DA as per rule.

The Officers shall join their new place of posting with immediate effect.

By order and in the name of the Governor of Goa.

Dr. Santosh V. Desai, Director & ex officio Joint Secretary (AH).

Panaji, 11th April, 2018.

## Department of Education, Art & Culture

Directorate of Higher Education

### Notification

No. 7/32/91-EDN/MISC/535/193

Read: Notification No. 7/3191-EDN/MISC/535/2894 dated 14-12-2017.

The Government has constituted College Tribunal in exercise of the powers conferred under Statute 95 A of the Goa University Statutes and in consultation with the Goa University, and Shri Desmond D'Costa, Retired Judge, District Judge is appointed as Presiding Officer for a period of five years for the whole State of Goa for the purpose of the said Statute vide Notification No. 7/32/91-EDN/MISC/535/2620 dated 23-11-2017.

Now, Government has decided that the grievances of employees of aided and un-aided private recognized educational institutions shall also be heard by the said College Tribunal (as contemplated in the Judgement of TMA Pai Foundation case).

This issues with approval of Chief Justice of Hon. High Court of Bombay, as conveyed by Registrar (Administration), High Court of Bombay at Goa, vide letter No. HCB/Goa/REG./83/2018 dated 23-03-2018, permitting allotment of grievances of the employees of aided and unaided private recognized education institutions in Goa, to the College Tribunal, Goa in accordance with the directions of the Hon'ble Apex Court given in the case of T.M.A. Pai Foundation Vs. State of Karnataka.

The Notification shall come into force with effect from the date of its publication in the Official Gazette.

This issues in supersession of Notification No. 7/32/91-EDN/MISC/535/2894 dated 14-12-2017.

By order and in the name of the Governor of Goa.

*Diwan N. Rane*, Under Secretary (Higher Education).

Porvorim, 13th April, 2018.

### Department of Elections

Goa State Election Commission

#### Order

No. 4/15/EMC/PS/2017-SEC/354

Sub.: Appointment of General Observer for Election to Sanquelim Municipal Council.

Ref.: Order No. 4/15/EMC/PS/2017-SEC/324 dated 09-04-2018.

With reference to the above cited subject, the Order of Smt. Sneha Morajkar, Director of Official Language, who was posted as General Observer for Sanquelim Municipal Council stands cancelled.

*R. K. Srivastava*, IAS (Retd.), Commissioner (Goa State Election Commission).

Panaji, 12th April, 2018.

### Department of Finance

Directorate of Accounts

#### Order

No. DA/Admn/19-40/2018-19/TR-67/27

Read: Office Order No. 643 No. DA/Admn/19-40/2016-17/TR-1394/1093 dated 10-10-2016.

In exercise of the powers conferred under Section 5, sub-rule (1) and (2) of the Right to Information Act, 2005 (hereinafter referred as 'the said Act'), and in partial modification of order cited above, the following officers of this Directorate are appointed as Public Information Officer and Assistant Public Information Officer with the area of operation indicated against each to deal with the applications received from the Public under the above said Act.

- |   |   |                     |
|---|---|---------------------|
| 1. Shri Kishore D. Kothambikar, Dy. Director of Accounts, Directorate of Accounts, Panaji-Goa | Public Information Officer, Directorate of Accounts, Panaji-Goa           | North Goa District. |
| 2. Shri Dilip N. Kaskar, Dy. Director of Accounts, Directorate of Accounts, Panaji-Goa        | Assistant Public Information Officer, Directorate of Accounts, Panaji-Goa | North Goa District. |

The designated officers shall exercise and perform the powers/functions as laid down under the Right to Information Act, 2005 with immediate effect.

*P. R. Pereira*, Director of Accounts.

Panaji, 5th April, 2018.

#### Order

No. DA/Admn/45-1/2017-18/121/TR-3201

On the recommendation of the D.P.C. as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/1/(1)/2017/1063 dated 12-02-2018, Government is pleased to promote the following Dy. Director of Accounts/Accounts Officer under the Common Accounts Cadre of the Directorate of Accounts to the post of Joint Director of Accounts (Group "A", Gazetted) in level 11 of the Pay Matrix (i.e. Pay Band PB-3 Rs. 15,600-39,100 Grade Pay Rs. 6,600/- pre-revised) on regular basis with effect from the date of taking over charge of the post.

Sr. No.	Name of the Officers	
1	2	
1.	Shri Anand Salgaocar (PH).	
2.	Shri Laxman Gaude (ST).	
3.	Shri Santosh Y. Khedekar (ST).	
4.	Shri Satyawalan Talwadkar (ST).	
5.	Shri Tukaram Jalmi (ST).	
6.	Shri Perves Gomes.	
7.	Shri Shaikh Kassim.	
8.	Smt. Aruna Phadte.	
9.	Shri Prabhakar Tari.	
10.	Shri Suresh Divkar.	

Government is further pleased to order the posting of the following Joint Director of Accounts under the Common Accounts Cadre in the Departments shown against their names:-

Sr. No.	Name of the Officer	Place of posting on promotion on regular basis
1.	Shri Anand Salgaocar (PH)	Goa Human Resource Development Corporation, Porvorim-Goa (on deputation).
2.	Shri Laxman Gaude (ST)	National Rural Health Mission (DHS), Panaji-Goa (on deputation) with additional charge in the Directorate of Small Savings and Lotteries, Altinho, Panaji-Goa.
3.	Shri Santosh Y. Khedekar (ST)	Institute of Public Assistance (IPA), Provedoria, Panaji-Goa (on deputation).
4.	Shri Satyawar Talwadkar (ST)	Sports Authority of Goa, Bambolim-Goa (on deputation).
5.	Shri Tukaram Jalmi (ST)	Goa Sarva Shiksha Abhiyan Society, Porvorim-Goa (on deputation) thereby relieving Shri Anand Salgaocar, Joint Director of Accounts of his additional charge.
6.	Shri Perves Gomes	Goa Industrial Development Corporation, Panaji-Goa (on deputation) thereby relieving Shri Satyawar Talwadkar, Joint Director of Accounts of additional charge.
7.	Shri Shaikh Kassim	Directorate of Education, Porvorim-Goa.
8.	Smt. Aruna Phadte	Goa Handicrafts Rural Small Scale Industries Development Corporation, Panaji-Goa (on deputation).
9.	Shri Prabhakar Tari	Directorate of Health Services, Panaji-Goa.
10.	Shri Suresh Diukar	Directorate of Higher Education, Porvorim-Goa.

Further, the Government is also pleased to order the transfer of the following Joint Director of Accounts under the Common Accounts Cadre in the Department as shown against their names in public interest:-

Sr. No.	Name of the officer	Present place of posting	Proposed place of posting
11.	Shri Mahadev Morajkar	Directorate of Health Services with additional charge of NRHM, Panaji-Goa	District Rural Development Agency, (North), Panaji-Goa (on deputation), thereby relieving Shri Santosh Khedekar, Jt. Director of Accounts of the additional charge.

The above promoted officers may exercise an option for fixation of pay under F.R. 22(1)(a)(i) within one month from the date of promotion.

The posting of officers at Sr. Nos. 2, 5, 6, 8 and 11 will be on deputation basis initially for a period of one year and the officers at Sr. Nos. 1, 3 and 4 will continue on deputation till the expiry of their deputation period as per the earlier deputation orders issued by this Directorate. They shall be governed as per the standard terms of deputation contained in the O.M. No. 13/4/74-PER dated 20-11-2013 of the Personnel Department, Government of Goa. The Organization/Agency shall be liable to pay to the Government leave salary and pension contribution in respect of these officers at the prescribed rates. On expiry of the deputation period, the officers shall necessarily be relieved to report back to the parent Department, unless the deputation period is extended by the competent authority. In the event the officers overstay for any reason whatsoever, they will be liable for disciplinary action and other adverse civil/service consequences.

On joining their promotional/new post, the officers shall send their CTC/Joining reports immediately to this Directorate.

By order and in the name of the Governor of Goa.

P. R. Pereira, Director & ex officio Joint Secretary (Accounts).

Panaji, 31st March, 2018.

## Goa Human Rights Commission

Proceeding No. 15/2011

**Inquiry Report**

This is a complaint filed by the Complainants alleging that the Mapusa Police have arrested the Complainants on the basis of false and fabricated complaints and further subjected the Complainants to inhuman brutalities in violation of guidelines of the Hon'ble Supreme Court of India.

2. The brief facts giving rise to this complaint are as follows:

On 19th February, 2011, one Miss Vinita filed a complaint with the Police to the effect that she left the house of Complainant No. 2 in June, 2010 alleging that the Complainant No. 2 demanded dowry from her. On 21-03-2011, P. I., Shri Rajesh Kumar registered an offence against the Complainants u/s 498A of IPC and came to arrest the Complainants on 26-03-2011 at 7.00 p.m. by violating the guidelines of the Hon'ble Supreme Court.

3. It is alleged that the Policemen who came to arrest the Complainants in the house of the Complainants were not in uniform and only two constables were in uniform. The jeep driver along-with one PSI and other person trespassed in the house of the Complainants and the said Jeep driver assaulted the Complainant No. 2 with sharp knife on his left hand arm and when the Complainant No. 1 came in the Living Room, the said driver slapped the Complainant No. 1 and pushed her on the wall. After the arrest the Complainants were subjected to brutality. It is further alleged that the Complainant No. 2 called 108 ambulance on phone and when the Complainant No. 2 came out of his house for immediate medical treatment, the policemen did not allow the Complainant No. 2 to go to the 108 ambulance and picked up Complainant No. 2 and threw him in the Police Jeep and later three policemen forcibly lifted the Complainant No. 1 from the house and threw her too in the Police Jeep and brought the Complainants to the Police Station. It is also alleged that one person by name Mr. Nitin Halarnkar committed robbery in the house of the Complainants to the tune of Rs. 60,000/-.

4. The Police Inspector, Shri Rajesh Kumar came to the Police Station and ordered the Staff to beat the Complainant No. 2 and as per the Orders of P.I., Rajesh Kumar, his staff assaulted the Complainant No. 2 with slaps and punches and later the Police

Inspector, Shri Rajesh Kumar also assaulted him with belt. It is further stated that thereafter P. I., Rajesh Kumar directed his staff to put handcuffs to his hands while taking him to IPHB Hospital, Bambolim and accordingly, his staff put handcuffs to his hands while taking him to Bambolim.

5. It is further alleged that the Doctor of Asilo Hospital referred him to IPHB Hospital at 8.00 p.m. But the Police Jeep reached Bambolim Hospital at 1.00 a.m. after five hours. He was medically checked up at IPHB Hospital at Bambolim at about 1.00 a.m. and many injuries were found on his body at Bambolim Hospital which were missing earlier at Asilo Hospital, Mapusa at 8.00 p.m. While discharging him, the IPHB Doctor at 1.45 a.m. of 27-03-2011 advised the policemen to take him back to Asilo Hospital for admission. During the return journey the policemen forcibly poured beer in his mouth and gave him bad words. The policemen also did not remove the handcuffs from his hands. At about 2.30 a.m. the Police Jeep reached back to Asilo Hospital, however the Casualty Section at the Asilo Hospital was closed. The Policemen decided to take him to GMC Hospital to Bambolim and took the Jeep towards Panaji and when the Jeep reached at Hotel Green Park Junction at Guirim, Bardez-Goa, the policemen changed their mind and took him to the Police Station at Mapusa and illegally and without any authority put him in the Jail at about 3.00 a.m. of 27-03-2011 and he was released on the same day in the evening on bail by order of JMFC, Mapusa.

6. This Commission issued notices to 1) the State of Goa through the Chief Secretary, Secretariat, Porvorim-Goa, 2) the Secretary (Home), Home Department, Secretariat, Porvorim-Goa, 3) the Director General of Police, Panaji-Goa, 4) the Superintendent of Police (North), Porvorim-Goa and 5) Shri Rajesh Kumar, Police Inspector, Mapusa Police Station, Mapusa-Goa. The Respondents Nos. 3, 4 and 5 have filed separate replies. The Respondent No. 1 and 2 have adopted the reply filed by the Respondent No. 3.

7. The case of the Respondents in brief is as follows:

On 21-03-2011, an offence vide Cr. No. 109/2011 u/s 498A of IPC read with Section 34 of IPC was registered at Mapusa Police Station against the Complainant No. 2 and others upon the complaint of Smt. Vinita alias Riya, wife of Raya Karapurkar to the effect that from 21-03-2010 to 19-02-2011 Shri Raya Karapurkar, Smt. Sushma Karapurkar and Shri Madhu Holkar with the common intention subjected the said Smt. Vinita alias Riya Karapurkar to harassment and cruelty for failing to fulfil their



demands of dowry. On 26-03-2011, the Staff of Mapusa Police Station visited the residence of Shri Raya Karapurkar for investigation and at that time Shri Raya Karapurkar and his mother Smt. Sushma Karapurkar (the Complainants herein) abused and assaulted the Police Personnel while discharging their lawful duties and accordingly an offence vide Crime No. 118/2011 u/s 504 and 353 read with Section 34 of IPC was registered against Shri Raya Karapurkar and Smt. Sushma Karapurkar. It is further stated that during the course of investigation the Complainants herein were placed under arrest on 26-03-2011 at 20.00 hrs. and were remanded to police custody for one day and they were subsequently released by JMFC Mapusa on 27-03-2011 at 18.00 hrs.

8. It is further the case of the Respondents that on being aggrieved by the complaint filed by his wife Smt. Riya Karapurkar alias Vinita Gaude, the Complainant No. 2 started making various complaints in form of applications to satisfy his whims and fancies thereby trying to force the Higher Authorities of the Department to file criminal case against his wife and his in-laws to create evidence against them before the Court. It is further stated that the Complainant No. 2 is aggrieved by the report sent by Shri Rajesh Kumar, Police Inspector, Mapusa to the Hon'ble Court and other authorities and as such the said Shri Raya Karapurkar is making false allegations against the Police Inspector, Shri Rajesh Kumar.

9. The Respondents have stated that the accused persons (the Complainants herein) were arrested after following the guidelines of the Supreme Court. The Complainants were medically examined before Medical Officer, Asilo Hospital, Mapusa on their arrest and the intimation of the arrest was given to Ms. Diksha Dilip Vaigankar who is the daughter of Complainant No. 1 and that the Complainants were produced before JMFC, Mapusa within 24 hours of their arrest.

10. The Respondents have generally denied all the allegations made against the Police by the Complainant. It is stated that the action taken by Mapusa Police Inspector is in accordance with law.

11. The Complainant No. 2 has examined himself as CW1. The Complainant No. 1 has examined herself as CW2. The Complainants have also examined four more witnesses in support of their case namely Shri Jaykissan Yadav (CW3), Shri Sandesh V. Dicholkar (CW4), Shri Pedru D'Mello (CW5) and Shri Prasad Sawant (CW6) and Smt. Diksha Vaigankar. The Respondent No. 5/Police Inspector, Shri Rajesh Kumar has examined himself as RW1.

12. Both the Parties have filed written submissions. Apart from written submissions, the Advocate for the Respondents have also argued orally. We have also perused the records of this case.

13. The points for determination are formulated as follows:

- a) Whether the Complainant No. 1 was arrested before or after the sunset on 26-03-2011? If the Complainant No. 1 was arrested after the sunset, whether exceptional circumstances existed to arrest the Complainant No. 1 and further whether written report was made and whether prior permission of Judicial Magistrate First Class within whose local jurisdiction the offence was committed or arrest was made was obtained?
- (b) Whether the arrest of the Complainants was justified in the facts and the circumstances of the present case?
- (c) Whether there is sufficient material to establish the fact as to whether the Mapusa Police have assaulted the Complainants during the course of arrest and during their custody with the Police?
- (d) Whether the Police were justified in handcuffing the Complainant No. 2?

14. We shall first deal with the question as to whether the Complainant No. 1 was arrested before or after the sunset. It is the contention of the Respondents that the Complainant No. 1 was arrested before the sunset. This contention is not borne out of records. It is the case of the Complainants that the police inspector registered the FIR on 21-03-2011 against the Complainants u/s 498A of IPC and under malafide intentions came to arrest the Complainants on 26-03-2011 in the evening at about 7.00 p.m. by violating the guidelines of arrest of the Supreme Court. The Complainant No. 2 (C.W. 1) in his Affidavit-in-Evidence has stated that on 26-03-2011, two police constables namely Mr. Sandeep Kambli and Mr. Sanjay Pednekar used force on woman who is his mother at night time at 7.00 p.m. in his house and lifted and threw her in the Police Jeep. This part of the evidence of CW1 has not been challenged by the Respondents. The Complainant No. 1 (CW2) in her Affidavit-in-Evidence has also stated that two police constables came inside her house and used force on her at night time at 7.00 p.m. and lifted her, brought her near the jeep on the road and threw her in the Police Jeep. This

witness (CW2) in her cross-examination has categorically stated that the police came to her residence and physically lifted her and put her in the Police Jeep. Thus it can be seen that the evidence of CW1 has been corroborated by Complainant No. 1 (CW2) on the aspect of apprehension of the Complainant No. 2 at about 7.00 p.m. on 26-03-2011. The evidence of CW1 and CW2 has been corroborated by other witness namely Shri Jaykissan Yadav who has been examined as (CW3) material aspect of the case. This witness (CW3) in his Affidavit-in-Evidence has stated that on 26-03-2011, he was returning to his room at about 7.00 p.m. and at that time he saw the policemen going inside the house of the Complainants and lifting the mother of Raya (Complainant No. 1) and attempted to drag her inside the jeep. In his cross-examination he has stated that he has seen the police dragging the mother of the Complainant No. 2 from the house of the Complainants. The Respondent No. 5 who has been examined as RW1, in his Affidavit-in-Evidence has stated that the Complainant and his mother were brought at Mapusa Police Station and PSI, Shri Nitin Halarnkar placed them under arrest on 26-03-2011 before sunset. This witness in his cross-examination has stated that his statement in para-16 of his Affidavit-in-Evidence is as per police records. It is thus apparent that RW1 had no personal knowledge as to whether the Complainant No.1 was arrested before or after the sunset. The Complainants have produce a chart showing Time/General/Weather Time Zone DST Change Sun and Moon for the month of March, 2011. As per the said chart, the timing of sunset of 26-03-2011 is 18.46 hrs. It is thus established that the Complainant No. 1 was apprehended by the police after the sunset. In any event, the Respondents have admitted that the formal arrests of the Complainants including the Complainant No. 1 who is a lady was made at about 8.00 p.m. i.e. after the sunset.

15. Section 46 of Criminal Procedure Code, 1973 prohibits arrest of a woman after the sunset and before sunrise except in unavoidable circumstances.

*The relevant portion of Section 46 of Cr.PC reads as follows:*

*Section 46. Arrest how made:*

- (1) ...
- (2) ...
- (3) ...
- (4) ...

*(5) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exists, a*

*woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.*

We therefore find that there is sufficient evidence on record to indicate that the Complainant No. 1 was arrested by the police on 26-03-2011 after the sunset.

There is nothing on record to indicate that the exceptional circumstances existed to place the Complainant No. 1 on arrest after the sunset. Admittedly, the police neither made any report in writing nor obtained prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made. Thus we find that the arrest of the Complainant No. 1 after the sunset was totally uncalled for and unwarranted which is against the mandate of law. We record our dissatisfaction in the manner in which the Complainant No. 1 was arrested after the sunset.

16. The next point for consideration is whether the arrest of the Complainants was justified in the facts and the circumstances of the present case. On the basis of the material on record, we are convinced that the arrest of the Complainants was not at all justified. It is the case of the Respondents that the police had visited the residence of the Complainants on 26-03-2011 for the purpose of investigation in respect of the offence which was registered on 21-03-2011 vide Crime No. 109/2011 u/s 498A of IPC read with Section 34 of IPC. It is their case that at that time the Complainants abused and assaulted the police personnel while discharging their lawful duty and as such another offence vide Crime No. 118/2011 u/s 504 and 353 of IPC read with 34 of IPC was registered against the Complainants. It is further stated that during the course of investigation the Complainants were placed under arrest on 26-03-2011 at 20.00 hrs. it has not been made clear by the Respondents as to whether the Complainants were arrested in Crime No. 109/2011 u/s 498A of IPC read with Section 34 of IPC or whether the Complainants were arrested in Crime No. 118/2011 u/s 504 and 353 of IPC read with 34 of IPC. Now, assuming that the Complainants were arrested in Crime No. 109/2011 u/s 498A of IPC read with Section 34 of IPC or in Crime No. 118/2011 u/s 504 and 353 of IPC read with 34 of IPC, the crucial question would arise as to whether it was necessary to arrest the Complainants in the said crimes. In the case of **Joginder Kumar v/s State reported in (1994) 4**

**Supreme Court Cases 260, the Apex Court** considered the dynamics of misuse of the police power of arrest and opined as follows:

*“No arrest can be made because it is lawful for the Police Officer to do so. The existence of the power of arrest is one thing. The justification for the exercise of it is quite another ... No arrest should be made without a reasonable satisfaction reached after some investigation about the genuineness and bonafides of a complaint and a reasonable belief both as to person's complicity and even so as to the need to effect arrest. Denying a person his liberty is a serious matter.”*

In another case reported in **(2014) 8 Supreme Court Cases 273 (Arnesh Kumar, Appellant v/s State of Bihar & Anr)** the Hon'ble Supreme Court has observed as follows:

*“The existence of the power to arrest is one thing, the justification for the exercise of it is quite another. Apart from power to arrest, the police officers must be able to justify the reasons thereof. No arrest can be made in a routine manner on a mere allegation of Commission of an offence made against a person. It would be prudent and wise for a police officer that no arrest is made without a reasonable satisfaction reached after some investigation as to the genuineness of the allegation.”*

*“Law mandates the police officer to state the facts and record reasons in writing which led him to come to a conclusion covered by any of the provisions aforesaid, while making such arrest. Law further requires the police officers to record the reasons in writing for not making the arrest. In pith and core, the police officer before arrest must put a question to himself, why arrest? Is it really required? What purpose it will serve, what object it will achieve? It is only after these questions are addressed and one or the other conditions as enumerated above is satisfied, the power of arrest needs to be exercised.”*

While disposing off the above matter, the Hon'ble Supreme Court directed all the State Governments to instruct its police officers not to automatically arrest when a case u/s 498A of the IPC is registered but to satisfy themselves about the necessity of arrest under the parameters led down above flowing from Section 41, Cr. P. C. amongst other directions. The Hon'ble Supreme Court also added that the directions aforesaid shall not only apply to the cases u/s 498A of the IPC or Section 4 of the Dowry Prohibition Act but also to such cases where offences punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine.

In the case of **D. K. Basu v/s State of Bengal reported in AIR 1997 Supreme Court 610**, the Apex Court has observed as follows:

*“Fundamental rights occupy a place of pride in the Indian Constitution. Article-21 provides “No person shall be deprived of his life or personal liberty except according to procedure established by law”. Personal liberty, thus, is a sacrosanct and cherished right under the Constitution. The expression “life or personal liberty” has been held to include the right to live with human dignity and thus it would also include within itself a guarantee against torture and assault by the State or its functionaries.”*

17. In this particular case before us, it is not the case of the police that the Complainants are involved in grave offences like murder, dacoity, robbery, rape etc. and it was necessary to arrest the Complainants. It is not the case of the police that the Complainants were likely to abscond or evade process of law if not arrested. It is also not the case of the police that the presence of the Complainants was required for custodial interrogation. It is also not the case of the police that the Complainants were habitual offenders and unless kept in custody, the Complainants were likely to commit similar offences again. It appears that the Complainants were arrested only because the Complainants challenged the authority of the police for visiting their house for the purpose of investigation in Crime No. 109/2011 u/s 498A of IPC read with Section 34 of IPC and allegedly assaulted the police personnel during the course of investigation. It is apparent that the police have abused their powers and have acted in a high handed manner while dealing with the Complainants and placing them under arrest. It was totally unfair on the part of the police to arrest the Complainants in the set of circumstances of this case.

18. The next question for determination is whether there is sufficient material to establish the fact as to whether the Mapusa Police have assaulted the Complainants during the course of arrest and during their custody with the Police. The Complainant No. 2 (CW1) in his Affidavit-in-Evidence has stated in clear terms that on 26-03-2011 two Police Constables Mr. Sandeep Kambli and Mr. Sanjay Pednekar used force on his mother at night time at 7.00 p.m. in his house, lifted her and threw her in the police jeep; the Police Constable driver Mr. Vishwavijay Parab assaulted him in his house at night time with sharp



knife on his left hand above elbow causing grave injury to him; the said Mr. Vishwavijay Parab slapped his mother and pushed her on the wall in his house and at the same time Mr. Nitin Halarnkar (PSI) and one more person assaulted him with slaps, kicks and pushed him on the wall in his house. He has further deposed that Police Inspector, Rajesh Kumar came to the Police Station and ordered his staff to beat him and as per the orders of the Police Inspector, Shri Rajesh Kumar, his staff assaulted him with slaps and punches and later P.I., Rajesh Kumar also assaulted him with belt. The evidence of the Complainant No. 2 (CW1) has been satisfactorily corroborated by Complainant No. 1 (CW2). The Respondent No. 5/Shri Rajesh Kumar has been examined as RW1. In his Affidavit-in-Evidence RW1 has stated that he was informed by PSI, Nitin Halarnkar that the Complainants Mrs. Sushma Karapurkar and her son Mr. Raya Karapurkar assaulted the Police who had gone to the residence of the Complainant and that Mrs. Sushma Karapurkar was threatening the Police with knife in her hand and hence the Complainant and her son were apprehended. In his cross-examination RW1 has admitted that he had not personally witnessed the incident of assault by the Complainants on the police personnel. He has further stated that his statement in para-14 of his Affidavit-in-Evidence is as per the police records. Thus it can be seen that the evidence of RW1 is hearsay in nature. There are no grounds to discard or disbelieve the evidence of the Complainants when they have stated that they were assaulted by the police. The Complainants have proved that they were assaulted by the police during the course of arrest and during the custody with police.

19. The next and last question for our determination is whether the police were justified in handcuffing the Complainant No. 2. There is no dispute that the Complainant No. 2 was handcuffed by the police. The law relating to handcuffing of the prisoners has been laid down by the **Hon'ble Supreme Court in the case of Prem Shankar Shukla v/s Delhi Administration** reported in **1980 AIR SC 1535**. In that case, the Apex Court has observed as follows:

*Handcuffing is prima facie inhuman and therefore, unreasonable, is over-harsh and at the first flush, arbitrary. Absent fair procedure and objective monitoring, to inflict, 'irons' is to resort to zoological strategies repugnant to Article 21. Thus, we must critically examine the justification offered by the State for this mode of restraint. Surely, competing claims of securing the prisoners from fleeing and*

*protecting his personality from barbarity have to be harmonised. To prevent the scape of an inter-trial is in public interest, reasonable, just and cannot, by itself, be castigated. But to bind a man hand and foot, fetter his limbs with hoops of steel, shuffle him along in the streets and stand him for hours in the Courts is to torture him, defile his dignity, vulgarise society and foul the soul of our constitutional culture.*

*Handcuffs should not be used in routine. They are to be used only where the prisoner is desperate, rowdy or is involved in non-bailable offence. There should ordinarily be no occasion to handcuff persons occupying a good social position in public life, or professionals like jurists, advocates, doctors, writers, educationists and well-known journalists. It shall be the duty of supervisory officers at various levels, the SHO primarily to see that these instructions are strictly complied with. In case of non-observance of these instructions, severe action should be taken against the defaulter.*

In the present case, there was no necessity to handcuff the Complainant No. 2. It is not the case of the police that the Complainant No. 2 is a hardened criminal and would have escaped if not handcuffed. It is apparent that the police have failed to observe the directions issued by the Hon'ble Supreme Court in the above cited judgement reported in 1980 AIR SC 1535 (Supra).

20. Article 21 of the Constitution of India totally prohibits the use of third degree method by the Police Officials. It is obligatory on the State and its machinery to respect and protect life and liberty of an individual. Police have no right or assault or disrespect any individual in the name of investigation or interrogation. The police are bound to respect human values and human rights. The Complainant No. 2 is a Government servant. He is living with his mother having roots in the State of Goa. The Complainants had to suffer mental torture and physical discomfort on account of high-handedness of the police who have misused their powers by curtailing the liberty of the Complainants without justification. The records indicate that Article 21 of the Constitution of India has been infringed and also the basic human rights of the Complainants have been seriously violated by the police.

21. In the case of **D. K. Basu v/s State of Bengal (Supra)**, it has been observed as follows:

*"It is well accepted proposition in most of the jurisdiction, that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the established infringement of the fundamental right to life of a citizen by a public servant and the State is vicariously liable for their acts."*

We, therefore, make the following recommendations:

- (i) *The State of Goa through its Chief Secretary shall pay an amount of Rs. 5,000/- (Rupees five thousand only) to the Complainants as compensation within a period of 30 days. It shall be open to the State Government to recover the amount of compensation from the erring police officials after fixing responsibility.*
- (ii) *The Director General of Police shall initiate appropriate action against the Police Inspector, Shri Rajesh Kumar and other concerned Police Officials within 30 days for non-observance of the directions issued by the Hon'ble Supreme Court in the case reported in 1980 AIR SC 1535.*

Date: 10-02-2016.

Place: Panaji-Goa.

Sd/- (Justice P. K. Misra) Chairperson, Goa Human Rights Commission.	Sd/- (A. D. Salkar), Member, Goa Human Rights Commission.	Sd/- (J. A. Keny), Member, Goa Human Rights Commission.
--	---	---

No.: 1/52/99/HD(G)/GHRC/18

**BEFORE THE HUMAN RIGHTS COMMISSION  
AT PANAJI-GOA**

Proceeding No. 15/2011

REPLY ON BEHALF OF THE CHIEF SECRETARY/  
/HOME SECRETARY STATE OF GOA  
(Respondent No. 1)

MAY IT PLEASE YOUR HONOUR

In view of the directions given by the Hon'ble Commission in the inquiry report dated 10-2-2016 of the above proceeding, I, the Under Secretary (Home-II), Government of Goa would like to place the following before the Hon'ble Commission:-

The Superintendent of Police (North), North District, Porvorim vide his letter No. SP/North/

/Reader/2690/2016 dated 13-10-2016 has informed that as per their office Order No. SP/North/Acctt/2904/2016 dated 10-10-2016 accordingly, letters vide No. DSP(N)/Actt/2919/2016 & No. DSP(N)/Actt/2920/2016 dated 13-10-2016 has been sent to Smt. Sushma Karapurkar and Shri Raya Karapurkar, r/o Karaswada, Mapusa thereby requesting them to collect the Demand Draft of Rs. 2,500/- each from the O/o S. P. (North), Account Section during office hours. (Copy of Order & Letters are annexed herewith.

Sd/-

(Neetal P. Amonkar),  
Under Secretary (Home-II).

Place: Porvorim-Goa.

Dated: 03-01-2017.

SUPERINTENDENT OF POLICE, LEGAL  
& VIGILANCE

OFFICE OF THE DIRECTOR GENERAL  
OF POLICE

PHQ, PANAJI-GOA- 403 001

Email: complaint@goapol.gov.in

No. PHQ/PET-CELL/MAP-22/16/683/2018  
dated 02-04-2018

To,  
The Under Secretary,  
Goa Human Rights Commission,  
Old Education Department Bldg.,  
1st Floor, 18th June Road,  
Panaji-Goa.

Sub:- Report into the inquiry report dated 10-02-2016 in proceeding No. 15/2011, filed by Smt. Sushma Karapurkar and 2) Shri Raya Karapurkar.

Ref:- Proceeding No. 15/2011/497 dated 04-07-2017.

Sir,

With reference to the above and in continuation to the letter No. PHQ/PET-CELL/GHRC/MAP-32/17/1876/17 dated 22-09-2017, I am directed to submit that Shri S. R. Rivankar, Public Prosecutor (High Court) had filed a Writ Petition vide No. 166/2017 on behalf of Chief Secretary of Goa, Under Secretary (Home), DGP Goa, SP/North and P.I., Shri Rajesh Kumar before the Hon'ble High Court of Bombay at Goa with regards to the recommenda-

tion at point No. 2 and same is pending before  
Hon'ble High Court of Bombay at Goa.

Encl: As stated.

Copy to:-

Yours faithfully,

Sd/-  
(Bossuet Silva, GPS),  
Superintendent of Police,  
Legal and Vigilance,  
Panaji-Goa.

The Under Secretary (Home),  
Government of Goa,  
Home Department (General),  
Secretariat, Porvorim-Goa.....(w.r.t. No. 1/52/99/-  
-HD(G)/GHRC/1659 dated 12-06-2017).

## Department of Labour

### Order

No. 28/18/2017-LAB/252

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Funskool (India) Limited, Corlim, Goa, and it's workmen represented by the Goa Trade and Commercial Workers' Union in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas, the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7A of the said Act.

### SCHEDULE

"(1) Whether the following demands raised by the Goa Trade and Commercial Workers' Union, vide their letter dated 20-12-2016, on the management of M/s. Funskool (India) Limited, Corlim, Goa, are legal and justified?

### CHARTER OF DEMANDS

#### 1) Flat-Rise in the Basic Salary:

We demand that each worker be paid a sum of Rs. 1500/- as flat-rise in the basic salary as on 01-01-2017. The total basic salary as on 31-12-2016 plus the flat-rise of Rs. 1500/- per month be placed in the pay-scales given below and fitted in the appropriate stage w.e.f. 01-01-2017.

Grade	Category	Pay-scales
1	2	3
VIII	Charge-hand and equivalent designation	3500-285-4925-315-6500-345-8225-375-10,100.
VII	Sr. Technician, Sr. Electrician, Sr. Set-up Man-Moulding, Sr. Set-up Man-SNS, Sr. Fitter and equivalent designations	3200-255-4475-285-5900-315-7475-345-9,200.
VI	Technician, Setup Man-Moulding, Set up Man-SNS, Fitr, Electrician and equivalent designations	2900-225-4025-255-5350-285-6775-315-8350.
V	Jr. Technician-cum-Operator-cum-Assembler and equivalent designations	2600-195-3575-225-4700-255-5975-285-7400.
IV	Operator-cum-Assembler-cum-Packer a and equivalent designations	2300-165-3125-195-4100-225-5225-255-6500.
III	Asst. Operator-cum-Assembler-cum-Packer and equivalent designations	2000-140-2700-165-3525-190-4475-215-5550.

1	2	3
II	Jr. Assembler-cum-Operator-cum-Packer and equivalent designations	1700-120-2300-140-3000-160-3800-180-4700.
I	Attendant and equivalent designations	1200-100-1700-115-2275-130-2925-145-3650.

**2) Fixed Dearness Allowance:**

That w.e.f. 01-01-2017 each worker be paid Rs. 1450/- per month towards Fixed Dearness Allowance (FDA).

**3) Variable Dearness Allowance (VDA):**

That w.e.f. 01-01-2017 each worker be paid a VDA @ Rs. 2/50 per point over and above base 4500 points AAICPI (1960=100). The VDA should be revised once every quarter (once in three months).

**4) House Rent Allowance:**

That w.e.f. 01-01-2017 each worker be paid an additional amount of Rs. 1400/- in the existing House Rent Allowance.

**5) Special increments:**

That w.e.f. 01-01-2017 all the workers be made eligible to the following Special Increments on the basis of their Seniority:

- (i) Those who have completed 1 to 5 years as on 31-12-2016 shall be paid one extra special increment.
- (ii) Those who have completed 5 to 10 years as on 31-12-2016 shall be paid two extra special increments.
- (iii) Those who have completed 10 to 15 years as on 31-12-2016 shall be paid three special increments.
- (iv) Those who have completed 15 to 20 years as on 31-12-2016 shall be paid four special increments: and
- (v) Those above 20 years or service and above shall be paid five special increments w.e.f. 01-01-2017.

**6) Conveyance Allowance:**

We demand that w.e.f. 01-01-2017 each worker be paid an additional amount of Rs. 750/- per month over and above the existing Conveyance Allowance.

**7) Education Allowance:**

We demand that w.e.f. 01-01-2017 each worker be paid an amount of Rs. 750/- per month towards Educational Allowance.

**8) Medical Allowance:**

We demand that each worker be paid an additional amount of Rs. 800/- per month over and above the existing Medical Allowance.

**9) Canteen Allowance:**

We demand that w.e.f. 01-01-2017 each worker be paid an amount of Rs. 1000/- per month towards Canteen Allowance.

**10) Uniforms and Washing Allowance:**

We demand that each worker be issued 2-sets of uniforms every year and w.e.f. 01-01-2017 each worker be paid a sum of Rs. 750/- per month towards Washing Allowance.

**11) Shift Allowance:**

We demand that w.e.f. 01-01-2017 each worker be paid a shift allowance @ Rs. 100/- per shift for 2nd shift worked; and Rs. 150/- per shift for work done in 3rd shift.

**12) Leave facilities:**

We demand that w.e.f. 01-01-2017 each worker be made eligible for the following leave facilities.

- a) Privilege leave : 25 days per annum with a facility to accumulate upto 100 days and encashed.
- b) Casual leave : 8 days per annum with a facility to accumulate upto 30 days.
- c) Sick leave : 8 days per annum with a facility to accumulate upto 30 days.
- d) Holidays : 10 days per annum ..... to be discussed.

**13) Leave Travel Allowance (LTA):**

We call upon the Management to pay the following Leave Travel Allowance for a calendar year, w.e.f. 01-01-2017 onwards:

Grade-I	:	Rs. 5,000/-
Grade-II	:	Rs. 5,500/-
Grade-III	:	Rs. 6,000/-
Grade-IV	:	Rs. 6,500/-
Grade-V	:	Rs. 7,000/-
Grade-VI	:	Rs. 7,500/-
Grade-VII	:	Rs. 8,000/-
Grade-VIII	:	Rs. 8,500/-

**14) Promotions:**

All those workers who have stagnated in same grade for 5 years and above without promotions, be promoted to next higher grade.

**15) Safety Shoes and Umbrellas/Rain-Coats:**

2-pairs of safety shoes, umbrellas and Rain-coats be issued to all workers every year without any discrimination.

**16) Rotation moulding allowance:**

That the management should pay a rotation Moulding allowance of Rs. 750/- per month as and when they work on oven w.e.f. 01-01-2017.

**17) Tea and Snacks during night-shift and special facilities to those who work beyond normal shift time i.e. beyond 17.00 hours:**

That the management should supply special tea and snacks during the 2nd and 3rd shift-working. Those who work beyond 17.00 hrs. shall be served special snacks and tea and work beyond 19.00 hrs. the worker shall be paid meal-allowance or provided free meals.

**18) Allowances:**

The workmen be made eligible to following allowances:-

- i) Rotation moulding allowance @ Rs. 250/- per month.
- ii) Blow moulding allowance @ Rs. 250/- per month.
- iii) Material mixing allowance @ Rs. 250/- per month.
- iv) Painting allowance @ Rs. 250/- per month.

**19) Medical facilities/health and safety:**

- i) Those workers who meet with accidents "In the course of employment" ought to be paid full wages by the Company as though he/she is on duty. The worker shall also be paid all the medical expenses until he/she fully recuperates/recovers. All the workers shall also be provided proper safety equipment while working at the shop floor.
- ii) Those workers who cross the threshold of ESIS coverage ought to be paid a medical allowance @ 4.75% of the gross salary per month and be eligible to 15 days paid sick leave.
- iii) Every worker ought to be insured under Group Personal Accident Insurance Scheme to the extent of four (4) lakhs.

**iv) Ambulance:**

The Company shall provide fully equipped ambulance and this ambulance shall be stationed at the factory premises to take care of contingencies/accidents that may occur in the factory.

**v) Emergency exist:**

The Company shall maintain an impediment free emergency exit in the company for the workmen to come out from the premises during emergencies. Presently, the main doors of the company are either closed or loading is done at the main doors.

**20) Loan facility:**

Every worker ought to be eligible to an Interest-free loan of Rs. 50,000/- (Rupees fifty thousand only) to be deducted and repaid in 50-equal instalments.

**21) Half days facility:**

The Management shall allow the workers to join their duties for first half/second half day.

22) The Management shall appoint regularly a minimum two confirmed workers in the II and III shift to undertake maintenance work.

**23) Death relief:**

In case of death of any workman, he/his/her family be provided with one time Death Relief of Rs. 25,000/-.

**24) Retirement benefits:**

Workers who retire after their retirement age shall be paid one months salary for every year of service in addition to the Gratuity payable.

**25) Interim relief:**

Pending discussions, negotiations or adjudication process on above demands, each of the workman be paid a sum of Rs. 4,500/- per month as on Interim Relief to be adjusted from the final settlement.

(2) If the answer to issue No. (1) above is in the negative, then, what relief the workmen are entitled to?"

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 6th April, 2018.



## Department of Personnel

## Order

No. 5/16/2017-PER

In pursuance to Rule 23 of the Goa Civil Service Rules, 2016 the following Junior Scale Officers of Goa Civil Service mentioned in column (2) below, promoted/appointed vide Order dated 21-04-2017 & 08-11-2017 and on probation are hereby drafted for 45 days Departmental Training to be held from 09-04-2018 to 31-05-2018 at Goa Institute of Public Administration & Rural Development, Ela Farm, Old Goa from 9.30 a.m. to 5.30 p.m.

In order not to hamper the smooth functioning of departments during the training period of the probationers, officers shown in column (3) shall hold charge of the posts mentioned therein during the training period in addition to their duties.

Sr. No.	Officer to be drafted for training	Officer to hold the additional charge
1	2	3
1.	Shri Francisco X. L. Ferrao, Forest Settlement Officer, South Forest Settlement Officer, North	Shri Shivaji Dessai, Project Officer (DRDA), North. Shri Akshay Gurunath Potekar, Deputy Director, Industries, Trade & Commerce.
2.	Shri Umakant Nhanu Korkankar, Assistant Commissioner of Commercial Taxes	Shri Santosh Kundaikar, Assistant Commissioner of Commercial Taxes.
3.	Shri Paresh M. Fal Desai, Deputy Collector (Revenue) South Administrator of Comunidade, South Zone Deputy Collector (DRO), South SLAO, WRD, Gogol	Shri Uday Rama Prabhu Dessai, Deputy Collector & SDO-I, Salcete. Shri Kedar Naik, Deputy Registrar, Goa College of Engineering, Farmagudi. Shri Kedar Naik, Deputy Registrar, Goa College of Engineering, Farmagudi. Shri Rohit Kadam, Deputy Collector & SDM, Quepem.
4.	Shri Sudhir S. Kerkar, Dy. Collector & SDO, Pernem SLAO, Tillari Irrigation Project Deputy Commissioner, CCP	Shri Gurudas S. T. Desai, Deputy Collector (LA), North. Shri Gurudas S. T. Desai, Deputy Collector (LA), North. Shri Brijesh D. Manerkar, Deputy Director (Adm. II), Tourism.
5.	Smt. Sangeeta S. Naik, Asst. Chief Electoral Officer	Shri Tushar Halarnkar, Deputy Director (Admn.), AH & VS.
6.	Shri Pundalik V. Khorjuekar, Deputy Director DFDA Deputy Director (Admn.), Agriculture	Smt. Georgina Saldhana, Deputy Director, GMC-II. Shri P. D. Halarnkar, Deputy Director (Admn.), Forest, shall hold the charge from 09-04-2018 to 15-04-2018. Smt. Fransquinha Oliveira, presently on child care leave to hold the charge w.e.f. 16-04-2018.
7.	Shri Amul Shrikant Gaunkar, Deputy Director (Admn.), Transport Deputy Director (Admn.), Printing and Stationery	Shri Deepesh Narayan Priolkar, Deputy Registrar of Co-op. Societies (Admn.). Shri Ajay Ramchandra Gaude, General Manager, GIDC.

1	2	3
8.	Shri Shankar Barkelo Gaonkar, Chief Officer, Cuncolim Municipal Council	Shri Prashant P. Naijk, Deputy Collector & SDO, Dharbandora.
9.	Smt. Triveni Paik Velip, Additional Director of Municipal Administration	Shri Ramesh P. Naik, Joint Director, Information and Publicity.
10.	Shri Sudin A. Natu, Under Secretary (Revenue-I)	Shri Sagun R. Velip, Under Secretary (Revenue-II).
	Under Secretary (Lokayukta)	Smt. Nathine Stevea Araujo, Deputy Director (Vigilance).
	Member Secretary, Marathi Academy	Shri Sagun R. Velip, Under Secretary (Revenue-II).
11.	Shri Vishant S. Naik Gaunekar, Assistant Commissioner of Commercial Taxes	Smt. Sarita Sadashiv Marathe alias Gadgil, Asst. Commissioner of Commercial Taxes.
12.	Shri Shashank V. Thakur, Under Secretary (Personnel-II).	Shri Harish N. Adconkar, Under Secretary (Personnel-I).
	Deputy Director (Admn.), DoIT	Shri Arvind Khutkar, Under Secretary to Minister of Art & Culture.
13.	Smt. Anuja A. Naik Gaunkar alias Faldessai, Project Officer (DRDA) (South)	Smt. Snehal Shivram Prabhu, Dy. Director, Panchayat, South.
	SLAO (Konkan Railway)	Smt. Snehal Shivram Prabhu, Dy. Director, Panchayat, South.
14.	Shri Manuel P. Barreto, Deputy Director of Mines-II	Smt. Neha Amey Naik Panvelkar, Deputy Director of Mines-I.
15.	Shri Vivek Krishna Naik, Awaiting posting	—

The officers shall directly report to Goa Institute of Public Administration & Rural Development, Ela Farm, Old-Goa at 9.00 a.m.

None of the above 15 officers drafted for departmental training shall be sanctioned leave during the training period except under unavoidable circumstances. Absence from training will have to be justified in writing.

Punctuality during the entire course, discipline and decorum in the Institute during the training period shall be maintained by the officers.

No errant behavior, on part of trainee, shall be tolerated during the training and if such behavior is noticed deemed fit action shall be initiated against the trainee.

The Officers shall, as far as possible, use common office vehicles for attending their training at GIPARD.

By order and in the name of the Governor of Goa.

Harish N. Adconkar, Under Secretary (Personnel-I).

Porvorim, 6th April, 2018.

#### Order

No. 15/18/2003-PER(Part-I)/1069

The following Mamlatdars/Joint Mamlatdars/Assistant Director of Civil Supplies are hereby drafted for Training to be conducted at the Goa Institute of Public Administration and Rural Development, Ela, Old-Goa from 09-04-2018 to 18-06-2018. The training shall be held from Mondays to Saturdays excluding Sundays and public holidays (from 9.30 a.m. to 5.00 p.m.).

The officers shown in column (4) shall hold charge of the posts mentioned therein during the training period i.e. 09-04-2018 to 18-06-2018 in addition to their own duties.

Sr. No.	Officer drafted for training	Present posting	Officer to hold the additional charge
1	2	3	4
1.	Shri Rajesh Ajgaonkar	Mamlatdar, Satari	Shri Saiesh Naik, Jt. Mamlatdar-I, Satari holding additional charge of Chief Officer, Valpoi Municipal Council shall hold additional charge of Mamlatdar, Satari.
2.	Shri Madhu Narvekar	Mamlatdar, Bicholim	Shri Pravinjay Pandit, Jt. Mamlatdar III, Bicholim holding additional charge of Jt. Mamlatdar-II, Bicholim and Chief Officer, Sankhali Municipal Council shall hold additional charge of Mamlatdar, Bicholim.
3.	Smt. Archana M. Faterpekar	Jt. Mamlatdar-II, Tiswadi holding additional charge of Jt. Mamlatdar-I, Tiswadi	Smt. Sapna Shrikant Naik, Mamlatdar Tiswadi shall hold the charge of Jt. Mamlatdar-I, Tiswadi and Jt. Mamlatdar-II, Tiswadi.
4.	Shri Dasharath Gawas	Mamlatdar, Bardez	Shri Sandeep Sahadev Gawde, Jt. Mamlatdar-I, Bardez shall hold the charge of Mamlatdar, Bardez.
5.	Shri Satish R. Prabhu	Mamlatdar, Mormugao	Shri Vimod Dalal, Jt. Mamlatdar-I, Mormugao shall hold additional charge of Mamlatdar, Mormugao.
6.	Shri Ravishekhar Nipanikar	Jt. Mamlatdar-I, Quepem	Smt. Deona Elsa Perreira, Jt. Mamlatdar-II, Quepem shall hold additional charge of Jt. Mamlatdar-I, Quepem
7.	Shri Joao B. Fernandes	Mamlatdar, Ponda	Shri Abhir Chandrakant Hede, Jt. Mamlatdar-I, Ponda shall hold additional charge of Mamlatdar, Ponda.
8.	Shri Bhiku L. Gawas	Jt. Mamlatdar-II, Ponda	Smt. Apurva Karpe, Jt. Mamlatdar-III, Ponda shall hold additional charge of Jt. Mamlatdar-II, Ponda.

Further, the following newly appointed officers in the cadre of Mamlatdar/Jt. Mamlatdar/Assistant Director of Civil Supplies presently awaiting posting are also drafted for the above mention training programme:

Sr. No.	Name of the Officers
1.	Shri Rahul Chandrakant Desai.
2.	Shri Rajaram Yeshwant Parab.
3.	Kum. Ana Rita Maria Paes.
4.	Shri Anant Rajaram Malik.
5.	Smt. Akshaya Anish Amonkar.
6.	Kum. Rupa Paramasivan.

All the above Officers in the cadre of Mamlatdar/Jt. Mamlatdar/Assistant Director of Civil Supplies shall observe the following instructions strictly:

1. The Trainees shall adhere to the instructions given from time to time by GIPARD.
2. Punctuality & attendance is compulsory for all sessions.
3. Assignments, projects, field work, are part of the training and hence, all trainees have to compulsorily participate as well as complete the same within the prescribed time limits.

4. Any act of misbehavior/indiscipline on the part of the trainees will result in their expulsion from the training programme.

None of the above 14 officers drafted for departmental training, shall be sanctioned leave during the training period except under unavoidable circumstances and no TA/DA shall be provided.

The trainees shall report to Ms. Seema Fernandes, Assistant Director, GIPARD on 9th April, 2018 at 9.30 a.m. for further details.

By order and in the name of the Governor of Goa.

*Harish N. Adconkar*, Under Secretary (Personnel-I).

Porvorim, 6th April, 2018.

### Order

No. 5/7/2003-PER/1091

Read: Order No. 5/7/2003-PER/2258 dated 27-07-2016.

Shri Damodar S. Morajkar shall draw his salary against the post of Additional Collector, Sub-District, Ponda w.e.f. 01-04-2018 until further orders.

By order and in the name of the Governor of Goa.

*Yetindra M. Maralkar*, Additional Secretary (Personnel).

Porvorim, 9th April, 2018.

### Department of Power

Office of the Chief Electrical Engineer

### Order

No. 60/2/IPDS-DDUGJY/2018-19/CEE/TECH/73

Sub.: Re-constitution of State Level Distribution Reforms Committee.

Ref.: 1) 60/2/CEE/TECH/IPDS-DDUGJY/1727 dated 6-01-2015.

2) 60/2/IPDS-DDUGJY/CEE/TECH/2161 dated 09-03-2015.

3) 60/2/IPDS-DDUGJY/CEE/TECH/2018-19/40 dated 6-04-2018.

The Government of Goa has adopted the Central Sector schemes namely (a) Deen Dayal Upadhyay Gram Jyoti Yojana (DDUGJY), and (b) Integrated Power Development Scheme (IPDS), for implementation in the State of Goa. To recommend the Projects under the above schemes to the Ministry of Power, Government of India, and also to monitor the implementation, a "State Level Distribution Committee" is hereby re-constituted consisting of the following:

- |                               |   |                |
|-------------------------------|---|----------------|
| 1. Chief Secretary            | — | Chairman.      |
| 2. Secretary (Power)          | — | Vice-Chairman. |
| 3. Addl. Secretary (Fin.-Exp) | — | Member.        |

- |  |   |                   |
|--|---|-------------------|
| 4. Chief Electrical Engineer                           | — | Member Secretary. |
| 5. Superintending Engineer (Plg)                       | — | Member.           |
| 6. Nodal Officer for IPDS<br>(Executive Engineer-XIII) | — | Member.           |

The "State Level Distribution Reforms Committee" functioning comes into immediate effect and shall meet as and when Need Assessment Document (NAD)/Detailed Project Report (DPR), is prepared and shall review the same and recommend the Projects for consideration of the "Monitoring Committee" of the Ministry of Power, Government of India. The Committee shall also meet to review the implementation of the Projects.

*N. N. Reddy*, Chief Electrical Engineer, Member Secretary (SLDRC) & ex officio Additional Secretary.

Panaji, 12th April, 2018.

### Department of Public Health

### Order

No. 13/11/2018-I/PHD/956

In exercise of the powers conferred by sub-section (1) of Section 69 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) (hereinafter referred to as the "said Act"), I, Shri J. Ashok Kumar, the Commissioner of Food Safety

for the State of Goa, hereby empower the Designated Officers appointed vide the Government Notification No. 13/10/2007-I/PHD/(Part)/1097 dated 27th June, 2017, published in the Official Gazette, Series II No. 15 dated 13th July, 2017, to accept from petty manufacturer who himself manufacture and sell any article of food, retailers, hawkers, itinerant vendors, temporary stall holders against whom a reasonable belief exists that he has committed an offence or contravention against the said Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

This Order shall come into force on the date of its publication in the Official Gazette.

*J. Ashok Kumar*, Commissioner of Food Safety.  
Porvorim, 3rd April, 2018.

#### Order

No. 11/3/89-IV/PHD/2(Part-I)/967

Read: Memorandum No. 11/3/89-IV/PHD/2 (Part-I)/407 dated 20-02-2018.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/14(2)/2017/1016 dated 18-01-2018, Government is pleased to appoint Dr. Mayuri Mohan Naik to the post of Lecturer in Department of Conservative Dentistry and Endodontics (Group "A" Gazetted) in Level-10 of Pay Matrix (Pre-revised Pay Band-3 of Rs. 15,600-39,100 with Rs. 5,400/- Grade Pay) under Goa Dental College & Hospital with immediate effect as per the terms and conditions contained in the Memorandum cited above.

Dr. Mayuri Mohan Naik shall be on probation for a period of one year.

Dr. Mayuri Mohan Naik has been declared medically fit by the Medical Board and her antecedents have been verified by the Additional District Magistrate, South Goa, Margao.

The above appointment is made against the vacancy occurred due to promotion of Dr. Jeanne Zara Monteiro, Lecturer to the post of Assistant Professor, Department of Conservative Dentistry and Endodontics, Goa Dental College & Hospital vide Order No. 11/3/89-IV/PHD/2(Part-I) dated 15-11-2016.

By order and in the name of the Governor of Goa.

*Trupti B. Manerkar*, Under Secretary (Health-I).  
Porvorim, 10th April, 2018.

#### Corrigendum

No. 9/1/2018-III/PHD/1035

Read: Notification No. 9/1/2018-III/PHD dated 14-03-2018.

In Notification dated 14-03-2018 read above, the name of Invitee Dr. V. N. Jindal, appearing at Sr. No. 8 may be corrected to read as Dr. Pradeep Naik.

Rest of the contents shall remain unchanged.

*Trupti B. Manerkar*, Under Secretary (Health).  
Porvorim, 11th April, 2018.

### Department of Revenue

#### Order

No. 22/4/2016-RD/682

Shri Anthony J. D'Souza, Senior Scale Officer of Goa Civil Service is hereby appointed as 'Nodal Officer' on behalf of the State Government to facilitate various permissions and assist in land acquisition process, for all Gas pipeline related projects of Goa Natural Gas Pvt. Ltd. (A joint venture of GAIL Gas Ltd. and BPCL), in addition to his duties as "Competent Authority", State of Goa for M/s. GAIL (India) Ltd. under the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).

By order and in the name of the Governor of Goa.

*Sudin A. Natu*, Under Secretary (Revenue-I).

Porvorim, 5th April, 2018.



**Order**

No. 13/1/94-RD (Part-3)/748

Whereas, the Corlim Comunidade pertaining to Administrator of Comunidades, North Zone, Mapusa-Goa has failed to elect new Managing Committee for the Triennium 2016-2019 and continuing the previous Committee of Comunidade, North Zone, Mapusa-Goa in order to enable functioning of Corlim Comunidade of North Zone.

And whereas, the Collector, North Goa District, Panaji, has submitted the names of the following members of the Managing Committee for the remaining period of the Triennium 2016-2019 for effective and smooth functioning of the Comunidade as under:-

Sr. No.	Names of the Comunidade	Post for which recommended	Names of the members recommended	Age
1.	Corlim		<b>Effective Members:</b>	
		President	Jose Jacome Ivo de Souza Gonsalves	Major by age.
		Attorney	Shivanand Dhavjekar	Major by age.
		Treasurer	Shirish Divkar	Major by age.
			<b>Substitute Members:</b>	
		President	Helen Mascarinhas Ticlo	Major by age.
		Attorney	Sadashiv Anandarao Danait	Major by age.
		Treasurer	Nitin P. Amonkar	Major by age.

Now therefore, in exercise of powers conferred under Article 51 of Code of Comunidade in the Diploma No. 2070 of 1961 by virtue of powers vested in terms of Article 51 of Code of Comunidade in force, the Government is pleased to appoint the above mentioned Managing Committee for the Corlim Comunidade pertaining to Administrator of Comunidades, North Zone, Mapusa-Goa, for the residue period of Triennium 2016-2019.

This order shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

*Sagun R. Velip*, Under Secretary (Revenue-I).

Porvorim, 12th April, 2018.



Department of Social Welfare  
Directorate of Social Welfare

**Notification**

No. 51-71-2014-15-HC/Part/330

In exercise of the powers conferred by Section 66 of the The Right of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016) (hereinafter called the said "said Act"), The Government of Goa hereby constitute the State Advisory Board on Disability for the purpose of the said Act, consisting of the following persons/members, namely:-

1. Minister for Social Welfare — Chairperson, ex officio.

- |                                   |                       |
|-----------------------------------|-----------------------|
| 2. Shri Subhash Shirodkar, M.L.A. | — Member, ex officio. |
| 3. Shri Rajesh Patnekar, M.L.A.   | — Member, ex officio. |
| 4. Shri Carlos Almeida, M.L.A.    | — Member, ex officio. |
| 5. Secretary (Social Welfare)     | — Member, ex officio. |
| 6. Secretary (Finance)            | — Member, ex officio. |
| 7. Secretary (Education)          | — Member, ex officio. |
| 8. Secretary (Health)             | — Member, ex officio. |

- |  |                                       |
|--|---------------------------------------|
| 9. Secretary (Transport)   | — Member,<br>ex officio.              |
| 10. Secretary (Law and Judiciary)  | — Member,<br>ex officio.              |
| 11. Secretary (Housing)  | — Member,<br>ex officio.              |
| 12. Representative, Caritas Goa  | — Member.                             |
| 13. Representative, Lokvishwas Pratishtan, Ponda-Goa   | — Member.                             |
| 14. Representative, Saksham Goa  | — Member.                             |
| 15. Representative, Cause of Our Joy, Mapusa-Goa   | — Member.                             |
| 16. Representative, Keshav Seva Sadhana, School for Special Education, Nr. Primary Health Centre, Valpoi, Satari-Goa | — Member.                             |
| 17. Representative, Sanjay School for Special Education, Research & Training, Alto, Porvorim-Goa                     | — Member.                             |
| 18. Vrinda Moye, C/o Astha Anand Niketan, Mapusa-Goa   | — Member.                             |
| 19. Gauresh Parwar, Bansai, Kakode, Curchorem-Goa  | — Member.                             |
| 20. Vijay Gawas, H. No. 431, Dev-Bhatt, Neura-o-Pequeno, Neura Tiswadi   | — Member.                             |
| 21. Director (Social Welfare)  | — Member<br>Secretary,<br>ex officio. |

## Terms for Reference:-

1. The tenure of the Board shall be for a period of 3 years from the date of publication on the Notification in the Official Gazette.
2. The Board shall meet at least once in every six months.
3. Non Official members shall be entitled for sitting allowance as per the entitlement or as fixed in the Goa Rights of Persons with Disabilities Rules, 2017.
4. No separate TA/DA will be paid.
5. Advisory Board shall function as per the Rights of Persons with Disabilities Act, 2016 and Goa Rights of Persons with Disabilities Rules, 2017.

By order and in the name of the Governor of Goa.

S. V. Naik, Director & ex officio Addl. Secretary (Social Welfare).

Panaji, 13th April, 2018.

## Department of Town &amp; Country Planning

## Order

No. 21/1/87-90/TCP/2013/621

Read: No. 21/1/87-90/TCP/11-12/Part file/1744 dated 29-5-2012.

In pursuance of sub-rule (4) of Rule 3 of the Goa Town and Country Planning (Public projects/ /schemes/development works by the Government) Rules, 2008 (hereinafter called as the "said Rules"), the Government of Goa had constituted a Committee vide Notification No. 21/1/87-90/TCP/ /07-08/pt./4764 dated 18-12-2008 for the purpose of said sub-rule (4) of Rule 3 of said Rules. As per said Notification two members of Civic Society were nominated vide Order read at preamble.

The Government is now pleased to nominate the following two members of Civic Society on the said Committee.

- |                        |   |         |
|------------------------|---|---------|
| 1. Shri Akbhar Mulla   | — | Member. |
| 2. Smt. Sneha Bhandare | — | Member. |

This is issued in supersession of order read at preamble.

J. Ashok Kumar, IAS Secretary (TCP).

Panaji, 3rd April, 2018.

## Order

No. 81/TCP/OR/2013-15/693

Ref: 1) Notification No. 81/TCP/OR/TCP-2013/3576 dated 17-9-2013.

2) Order No. 81/TCP/OR/TCP-2013/3846 dated 3-10-2013.

In supersession of the order dated 3-10-2013 read at preamble (2), the Government is pleased to nominate Shri Paresh Gaitonde, Engineer as a member of the Committee notified vide notification dated 17-9-2013 read at preamble (1), for the purpose of granting additional FAR of 20% for four and five star hotels in the State of Goa.

J. Ashok Kumar, IAS, Secretary (TCP).

Panaji, 12th April, 2018.

## Department of Urban Development

## Municipal Administration

## Order

No. 1/03/DMA/Admn/RTI/165

Read: Order No. 1/03/DMA/Admn/RTI/255 dated 30-4-2015.

In partial modification to the above referred order the Government has approved the appointment of the following official of the Corporation of the City of Panaji in the State under the Right to Information Act, 2005 to act as Officials under sub-section (2) of Section 5 of the Right to Information Act, 2005 with immediate effect.

Sr. No.	Name of the official	Designation	Office telephone number
1.	Administrative-cum-Accounts Officer	Public Information Officer	2223339/ /2422736/ /2423556/ /2423556.

The Public Information Officer is responsible for maintaining and updating all required information and also receiving and disposing off applications under Right to Information Act, 2005.

*R. Menaka*, IAS, Director (Urban Development).  
Panaji, 13th April, 2018.

◆◆◆

### Department of Women & Child Development

Directorate of Women & Child Development

#### Notification

No. 1-125-2006-DW&CD-PART/345

In exercise of the powers conferred by Section 17 and 18 of Commission for Protection of Child Rights Act, 2005, the Government of Goa hereby constitutes the Goa State Commission for Protection of Child Rights, to exercise the powers conferred on and to perform the functions assigned to it under the said Act and Rules, consisting of the following persons:-

1. Dr. (Mrs.) Sushma P. Kirtani, — Chairperson.  
Lawande House, Corte De Oiteiro, Panaji, Goa
2. Mrs. Anjali Nunes, — Member.  
H. No. 640/2, Shree Sai Ashiyana, Bhutki Wado, Socorro, Porvorim, Bardez-Goa
3. Dr. Ameeta Mascarenhas, — Member.  
La Marvel Colony, Dona Paula-Goa
4. Mrs. Ketaki Parab, — Member.  
Flat No. S4, A3 Building, Torchem Galu, Colvale, Bardez-Goa
5. Mr. Peter Borges, — Member.  
H. No. 342, Sindholim, Sancoale-Goa
6. Mr. Shashikant Punaji, — Member.  
UGF-3, Slosan Valley View, Alto, Porvorim-Goa
7. Adv. Viren alias Suren Ulhas — Member.  
Shenvi Bhende, X-6, C Building, Kurtarkar Township, Amnaji, Fatorda, Goa

The tenure of the above Commission shall be for three years from the date of its constitution.

By order and in the name of the Governor of Goa.

*Dipak Desai*, Director & ex officio Jt. Secretary (Women and Child Development).

Panaji, 11th April, 2018.

[www.goaprintingpress.gov.in](http://www.goaprintingpress.gov.in)

Published and Printed by the Director, Printing & Stationery,  
Government Printing Press,  
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE-Rs. 21.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—19/200-04/2018.